

**S/N 09/387,164**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yong-Jun Hu  
Serial No.: 09/387,164  
Filed: August 31, 1999  
Title: STRUCTURES AND METHODS TO ENHANCE FIELD EMISSION IN FIELD  
EMITTER DEVICES

Examiner: Sikha Roy  
Group Art Unit: 2879  
Docket No.: 303.607US1

**RESPONSE UNDER 37 CFR § 1.111**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## REMARKS

This is in response to the Office Action mailed on May 19, 2004.

None of the claims are amended. None of the claims are canceled. No new claims are added. Claims 1-36 remain pending in this application.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a two-month extension of the period for responding to the Office Action, thereby moving the deadline for response from August 19, 2004 to October 19, 2004.

### **Reservation of the Right to Swear Behind References**

Applicant maintains the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

### ***§102 Rejection of the Claims***

**Claims 1-3, 5, 7, 9, 11, 13-15, 17-19, and 21-26 were rejected under 35 USC § 102(e) as being anticipated by Jones et al. (U.S. Patent No. 5,534,743). Applicant respectfully traverses.**

Independent claim 1 recites, among other things, at least one emitter having an “implanted” oxide layer for releasing electrons at a predetermined energy level.